

Remarks/Arguments:

With this Response, claims 11, 22, and 28 are amended. Claims 11, 22, and 28 recite the steps of "initiating transfer, and retaining all of the quantity of the liquid component within the monolithic support." Support for the amendments to claims 11, 22, and 28 is found in the specification at, for example, page 4, lines 1 and 2.

The Office Action Summary form at box 7 indicates that claims 13-17 and 29-32 stand objected to. The Office Action fails to specify why these claims are objected to in the remainder of the Office Action. The applicants presume that these claims are objected to because they are dependent on rejected claims. With this amendment, the applicants submit that this objection should be withdrawn as claims 13-17 and 29-32 are in a suitable form for allowance.

Claims 11, 12, 18, 19, 28, 22, 25, 33, and 34 stand rejected under 35 U.S.C. 102(b) as anticipated by Piez et al. (U.S. Patent No. 5,246,457). As was successfully argued before the Examiner in the parent case (U.S. Application No. 09/646,064, now U.S. Patent No. 6,599,570), Piez et al. discloses that "[t]he collagen dispersion, preferably a gel, is pumped into the mold until flow is detected from the outflow; ..." (see column 6, lines 48-51 of Piez et al.). The applicants submit that if flow is detected from the outflow, this means that this reference does not teach the feature of "retaining all of the quantity of the liquid component within the monolithic support" as recited in amended claims 11, 22, and 28. For at least this reason, the applicants submit the claims are not anticipated by Piez et al.

Claims 21, 23, 24, and 26-28 stand rejected under 35 U.S.C. 103(a) as unpatentable over Piez et al. The Examiner takes Official Notice that the specific techniques of the claimed process are old and known and that using them in the Piez et al. process is an obvious expedient to automate or make the process efficient. The Office Action has failed to set forth a *prima facie* case of obviousness for at least the following reasons.

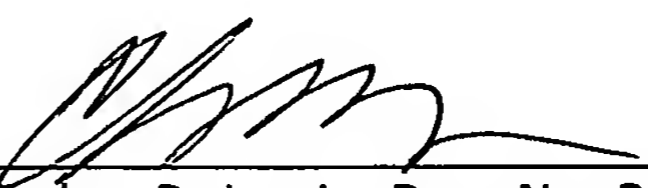
Piez et al. fails to disclose all the claimed features as set for in the applicants' argument above with respect to the rejection under 35 U.S.C. § 102(b). Therefore, even if it was proper for the Examiner to combine Piez et al. with the officially noticed facts or knowledge, such a combination fails to disclose each and every feature claimed feature.

The applicants traverse the Official Notice taken by the Examiner, i.e., that "these [the applicants' specific claimed techniques of the process] are old and known." MPEP § 2144.03

provides that if Official Notice is taken, the basis for such reasoning must be set forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support the conclusion of common knowledge. Clearly here, the Examiner provides no specific factual findings why the applicants' specific claimed techniques of the process are "old and known." If the rejection is maintained, the applicants request that the Examiner provide specific factual findings predicated on sound technical and scientific reasoning to support the assertion of Official Notice.

For the reasons set forth above, the applicants submit the pending claims are in a condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,



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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

December 22, 2005

Date



Lisa Bennett